

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAVIER TAPIA,

Plaintiff(s),

v.

NAPHCARE INC., et al.,

Defendant(s).

CASE NO. C22-1141-KKE

VERDICT FORM

SECTION 1983 CLAIM AGAINST NAPHCARE, INC.

QUESTION 1: Did Javier Tapia prove by a preponderance of the evidence that the acts of one or more NaphCare employees deprived Javier Tapia of his right to adequate medical care under the Fourteenth Amendment?

Answer: ("yes" or "no")

If you answered "no" to Question 1, skip to the last page, sign and date this Verdict Form. If you answered "yes" to Question 1, proceed to the next question.

QUESTION 2: Did Javier Tapia prove by a preponderance of the evidence that one or more NaphCare employees acted pursuant to a widespread or longstanding custom of NaphCare?

Answer: ("yes" or "no")

1 *If you answered "no" to Question 2, skip to the last page, sign and date this Verdict Form. If you*
2 *answered "yes" to Question 2, proceed to the next question.*

3
4 **QUESTION 3:** Did Javier Tapia prove by a preponderance of the evidence that NaphCare's
5 widespread or longstanding custom caused the deprivation of Javier Tapia's rights by its
6 employee? In other words, NaphCare's widespread or longstanding practice or custom is so
7 closely related to the deprivation of Javier Tapia's rights as to be the moving force that caused his
8 injury.

9 Answer: "yes" or "no")

10
11 *If you answered "no" to Question 3, skip to the last page, sign and date this Verdict Form. If you*
12 *answered "yes" to Question 3, proceed to the next question.*

13
14 **DAMAGES**

15 **QUESTION 4:** If you answered "yes" to Questions 1, 2, and 3, what is the amount of
16 compensatory damages owed to Javier Tapia by NaphCare? If you answered "no" to Questions 1,
17 2, or 3, please skip to the last page, sign, and date this Verdict Form.

18 Compensatory Damages: \$ 5 million

19
20 **If you found NaphCare liable under § 1983 by answering "yes" to Questions 1, 2, and 3, you**
21 **must also decide if NaphCare should be required to pay punitive damages by answering**
22 **Questions 5 and 6 below:**

1 **QUESTION 5:** Do you find by a preponderance of the evidence that NaphCare's conduct was in
2 reckless disregard of Tapia's rights (*i.e.*, the conduct reflected a complete indifference to the
3 person's safety or rights)?

4 Answer: ("yes" or "no")

5
6 **QUESTION 6:** If you answered "no" to Question 5, skip this section and leave it blank. If you
7 answered "yes" to Question 5, how much money do you award in punitive damages against
8 NaphCare?

9 Answer: \$ 20 million

10
11 Once you have completed this verdict form, the Presiding Juror should sign below and notify the
12 Courtroom Deputy. Thank you.

13
14 Dated this 4 day of April.

15 Presiding Juror
16 Signed on behalf of the Jury,



17
18 Dated this 4 day of April.

19
20 A handwritten signature in cursive script, reading "Kymberly K. Evanson".

21 Kymberly K. Evanson
22 United States District Judge
23
24